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Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now, therefore, be it

Sec. 1 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Wyman Township, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value, upon issuance of necessary approvals by the Maine Land Use Regulation Commission and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a nonexclusive linear easement to benefit TransCanada Maine Wind Development, Inc. and its successors and assigns, in the Township of Wyman, Franklin County. The easement must be located entirely within 2 separate tracts of land bounded and described as follows.

Tract One: Beginning on the southwest boundary of State Route 27 in Wyman Township, at the intersection of said highway line with the northwest boundary of the Appalachian Trail Corridor, as said intersection is shown on a plan recorded in Franklin County Registry of Deeds, Plan No. 3588; thence southwesterly along the northwest boundary of said Appalachian Trail Corridor a distance of 103 feet to the north boundary of the 150-foot-wide transmission line corridor known as the "Boralex Corridor" as shown on a plan recorded in Franklin County Registry of Deeds, Plan No. 2035; thence southwesterly and westerly following the north boundary of said Boralex Corridor a distance of 4,899 feet to the centerline of Stony Brook; thence northerly along the centerline of Stony Brook a distance of 228 feet, more or less, to a line that is parallel with and 125 feet distant northerly from the north boundary of said Boralex Corridor; thence easterly and northeasterly along said line that is parallel with and 125 feet distant northerly from the north boundary of said Boralex Corridor a distance of 4,146 feet to a line that is parallel with and 425 feet distant westerly from the northwest boundary of the aforementioned Appalachian Trail Corridor; thence northeasterly along said line that is parallel with and 425 feet distant westerly from the northwest boundary of the aforementioned Appalachian Trail Corridor a distance of 529 feet to the southwest boundary of State Route 27; thence due east crossing State Route 27 a distance of 505 feet to the northwest boundary of the aforementioned Appalachian Trail Corridor; thence southwesterly along the northwest boundary of the Appalachian Trail Corridor a distance of 364 feet to the point of beginning.

Tract Two: Beginning at the intersection formed by the south boundary of the 150-foot-wide transmission line corridor know as the "Boralex Corridor" as shown on the plan recorded in Franklin County Registry of Deeds, Plan No. 2035, with the northwest boundary of the Appalachian Trail Corridor, as shown on a plan recorded in Franklin County Registry of Deeds, Plan No. 3588; thence southwesterly along the northwest boundary of said Appalachian Trail Corridor a distance of 322 feet to a line that is parallel with and 200 feet distant southerly from the south boundary line of the above-referenced Boralex Corridor; thence southwesterly along said line that is parallel with and 200 feet distant southerly from the south boundary line of the Boralex Corridor a distance of 3,272 feet to the town line between Wyman Township and the Town of Carrabassett Valley; thence westerly along said town line a distance of 856 feet to land of Gardner Land Company described in a deed recorded in Franklin County Registry of Deeds, Book 2848, Page 119; thence northerly along land of said land of Gardner Land Company to the south boundary of the above-referenced Boralex Corridor; thence northeasterly along the south boundary of the Boralex Corridor a distance of 3,875 feet to the point of the beginning.

For reference see the deed from Huber Resources Corp. to the State of Maine, Department of Conservation, Bureau of Parks and Lands, dated March 29, 1999 and recorded in the Franklin County Registry of Deeds in Book 1836, Page 198.

The conveyance of the linear easement may include the right to utilize up to 2 crossing easements reserved by J. M. Huber Corporation as described in that certain indenture for transmission line dated May 11, 1988 and recorded at the Franklin County Registry of Deeds in Book 1038, Page 65, subject to all the terms and conditions for the crossing easements set forth in that indenture for transmission line, so that TransCanada Maine Wind Development, Inc. and its successors and assigns may cross the 150-foot-wide fee strip now or formerly of Boralex Stratton Energy Inc. as described in that certain warranty deed from Stratton Energy Associates dated September 25, 1998 and recorded at Franklin County Registry of Deeds in Book 1787, Page 2; and be it further

Sec. 2 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Bradley, Penobscot County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a linear nonexclusive easement for electric transmission purposes to benefit Bangor Hydro-Electric Company, a Maine Corporation with its principal place of business in Bangor, Maine, and its successors and assigns, across a certain lot or parcel of land in the Town of Bradley, Penobscot County, being approximately 55 acres, together with an access easement along with danger tree rights. The director may limit the easement with terms or conditions, such as but not limited to terms or conditions regarding certificates of public necessity as provided by the Public Utilities Commission. The parcel is currently occupied by Bangor Hydro-Electric Company, as lessee, pursuant to a Utility Line Lease dated February 15, 1990, as modified by a memorandum of intent dated March 24, 2005 with the Department of Conservation, Bureau of Parks and Lands as lessor and described as follows: being a strip of land 170 feet in width as lies within the State's Public Reserved Land in the Town of Bradley. The strip extends northeasterly by 2 tangents from its westerly bound to its northerly bound and measures 14,150 feet in length; and be it further

Sec. 3 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in No. 21 Township, Washington County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a linear nonexclusive easement for electric transmission purposes to benefit Bangor Hydro-Electric Company, a Maine Corporation with its principal place of business in Bangor, Maine, and its successors and assigns, a certain lot or parcel of land in No. 21 Township, Washington County, being approximately 18 acres together with an access easement along with danger tree rights. The director may limit the easement with terms or conditions, such as but not limited to terms or conditions regarding certificates of public necessity as provided by the Public Utilities Commission. The parcel is currently occupied by Bangor Hydro-Electric Company, as lessee, pursuant to a Utility Line Lease dated February 15, 1990, as modified by a memorandum of intent dated March 24, 2005, with the Department of Conservation, Bureau of Parks and Lands as lessor and described as follows: being a strip of land 170 feet in width as lies within the State's Public Reserved Land, north lot, in No. 21 Township. The strip extends northeasterly from its southerly bound to its northerly bound and measures 4,590 feet in length; and be it further

Sec. 4 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Freedom, Waldo County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by release deed convey, for no compensation, to the Town of Freedom the Sandy Pond Dam, State ID# 475, located at the northeastern end of the 430-acre Sandy Pond in the Town of Freedom, Waldo County. The dam is predominately a rock-faced, earthen structure measuring approximately 350 feet long by 5 feet high with a 30-inch-wide fixed concrete spillway. This conveyance is intended to release all right, title and interest the State may have in and to the dam that was previously awarded to Joseph A.F. Sadowski by Department of Environmental Protection Order #L-18506-37-A-N, dated October 12, 1993, which award of ownership was subsequently voided by the Department of Environmental Protection by letter to Joseph Sadowski, dated July 1, 2005; and be it further

Sec. 5 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in St. John Plantation, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a trail crossing easement being approximately 25 feet by 199 feet crossing the St. John Valley Heritage Trail and an access easement on an approximately 625.06-foot-by-25-foot-wide road to benefit the properties of Darnell and Stephanie Oliver, Eugene and Diane Berube, Don Berube, Bob and Diane Berube, Ernest Berube and George Pelletier, all of St. John Plantation, Aroostook County. For reference see Recreational Trail Easement deed from Town of Fort Kent to the Department of Conservation, dated June 19, 2000 and recorded in the Aroostook County Registry of Deeds - Northern Division in Book 1213, Page 213; and be it further

Sec. 6 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in St. Francis, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without

covenant convey for fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a trail crossing easement to be approximately 25 feet by 99 feet across the St. John Valley Heritage Trail to benefit the property of Vernal, Pauline and Mike Nadeau, in the Town of St. Francis. The trail crossing easement is further bounded and described as follows: part of ancient parcel No. 37 as conveyed to the Bangor and Aroostook Railroad Company by warranty deed of Joseph Plourd dated August 13, 1909 and recorded August 17, 1909 in Book 63, Page 387 of the Northern Aroostook Registry of Deeds. Reference to B&A Plan V2v/4 June 30, 1916.

Beginning at a survey nail buried in the centerline of the former Bangor & Aroostook Railroad main line at B&A Station 703 & 35 according to B&A Plan V2v/4 dated June 30, 1916, and designated as point "A" according to plan of survey prepared for Vernal, Pauline & Mike Nadeau by Northern Maine Surveyors dated April 21, 2007;

Thence proceeding N-78°-54'-48"-E along the centerline of the former B&A Railroad main line for a distance of 169.57'; to a survey nail designated as point "B" and being the True point of beginning of the easement strip herein described;

Thence proceeding S-02°-15'-W for a distance of 50.87' to an iron pin and cap set along the southern bound of land formerly of the B&A Railroad.

Thence proceeding N-78°-54'-48"-E along the southerly bound of land formerly of the B&A Railroad, for a distance of 20.55' to an iron pin and cap set;

Thence proceeding N-02°-15'-E for a distance of 101.74' to an iron pin and cap set along the northerly bound of the land formerly of the B&A Railroad;

Thence proceeding S-78°-54'-48" W along the northerly bound of land formerly of the B&A Railroad for a distance of 20.55' to an iron pin and cap;

Thence proceeding S-02°-15'-W for a distance of 50.87' to the true point of beginning.

Said easement contains 2,035Sq. Ft. or 0.05 acre+/-.

For reference see Recreational Trail Easement deed from Town of Fort Kent to State of Maine Department of Conservation, dated June 29, 2000 and recorded in the Aroostook County Registry of Deeds - Northern Division in Book 1213, Page 213; and be it further

Sec. 7 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Mapleton, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey a parcel of land, which totals in area approximately .65 acres, to abutter Chandler Family LLC. and on such other terms and conditions as the director may direct. The parcel to be conveyed to Chandler Family LLC. is further bounded and described as follows:

A parcel of land situated in the Town of Mapleton, County of Aroostook, State of Maine being part of Lot numbered 33, also being part of the land now or formerly owned by The State of Maine, Department of Conservation, as recorded in Volume 4146, Page 35, at the Southern Aroostook County Registry of Deeds in Houlton, Maine. Bounded and described more particularly as follows:

Beginning at a rebar set on the southerly limit of the right-of-way of State Road (Route 227), at the easterly limit of the right-of-way of the former Bangor and Aroostook Railroad, now owned by the State of Maine, Department of Conservation;

Thence, along the easterly limit of the right-of-way of said former Railroad along a 2007 magnetic bearing of, South 33°33'30" West, a distance of 104.74 feet to a rebar set on line;

Thence, continuing along the same course and along said easterly limit, South 33°33'30" West, a distance of 25.04 feet to land now or formerly owned by the Bangor and Aroostook Railroad, as recorded in Volume 240, Page 205, and Volume 553, Page 65 (said parcel having been excluded in the sale to the State of Maine);

Thence, along land of said Railroad, North 56°11'50" West, a distance of 30.50 feet to a rebar set at the northwesterly corner thereof;

Thence, continuing along land of said Railroad, South 33°36'10" West, a distance of 136.00 feet to the southwesterly corner thereof;

Thence, continuing along land of said Railroad, South 56°11'50" East, a distance of 30.60 feet to the easterly limit of the right-of-way of the former Railroad (now State of Maine);

Thence, along the easterly limit of said right-of-way, South 33°33'30" West, a distance of 190.61 feet to a rebar set;

Thence, continuing along the same course, South 33°33'30" West, a distance of 48.13 feet to a rebar set;

Thence, crossing the source parcel, North 07°06'30" West, a distance of 63.68 feet to a rebar set;

Thence, continuing along the same course, North 07°06'30" West, a distance of 50.64 feet;

Thence, running parallel to and 25 feet west of the centerline of the former Railroad, North 33°33'30" East, a distance of 374.10 feet to the southerly limit of the right-of-way of the aforementioned State Road;

Thence, along the southerly limit of said State Road, along a curve to the left with a radius of 1597.35 feet, a distance of 50.68 feet to a rebar set (the tie course for this curve segment is South 86°12'00" East, a distance of 50.68 feet);

Thence, continuing along said southerly limit and along said curve (to the left with a radius of 1597.35 feet), a distance of 35.70 feet (the tie course for this curve segment is South 87°44'50" East, a distance of 35.70 feet) to the Point of Beginning.

The above described parcel of land containing 0.65 acres.

The above described parcel of land is based on a field survey conducted under the supervision of Daniel O. Bridgham, PLS #1027, and shown on a Plan dated April 23, 2007. All bearings are magnetic as of 2007. All monuments set were 5/8-inch metal rebar with yellow plastic caps affixed to them, with "D. Bridgham, PLS #1027" imprinted in the caps; and be it further

Sec. 8 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Jay, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey

on such terms and conditions as the director may direct, except that the transfer must be at no cost to the Town of Jay, an approximately 50-foot-by-89-foot trail crossing easement for a town way as defined by state law along with permissions for above ground and below ground utilities to the Town of Jay. The trail crossing is further bounded and described in a survey labeled Plan of Look Brook Estates, made for Polar Enterprises, compiled by M.S.B. Associates, Inc. and recorded in the Franklin County Registry of Deeds on March 15, 1984 in Plan Book Page P-436. The trail crossing easement to be conveyed is the eastern crossing shown on the plan with a trail crossing width of 89.53 feet on the east side and 89.03 feet on the west side; and be it further

Sec. 9 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Jay, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such terms and conditions as the director may direct, except that the transfer must be at no cost to the Town of Jay or any other party, a utility-only crossing for above and below ground utilities, including but not limited to electricity and intelligence lines, water and sewer, located 360 feet more or less west of the crossing described in section 8 of this resolve; and be it further

Sec. 10 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Pownal, Cumberland County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such terms and conditions as the director may direct, including restrictions, maintenance and safety obligations and responsibilities, an approximately 850-foot-by-20-foot access easement over a woods road to benefit the property of Robert C. and Linda J. McMahan of the Town of Pownal, Cumberland County, and their successors and assigns. The access easement is further bounded and described as follows:

A certain right-of-way located westerly of Minot Road in the Town of Pownal, Cumberland County, State of Maine, being depicted as "Parcel A" on a plan entitled "Standard Boundary Survey of the Robert C. McMahan Parcel" dated March 1, 1995 and recorded in the Cumberland County Registry of Deeds in Plan Book 195 Page 140, the centerline of said right-of-way being further bounded and described as follows:

BEGINNING at the centerline of a certain lane at a point measured 350.49' southerly along the apparent westerly sideline of Minot Road from a 5/8 inch diameter iron rod set flush at the northeasterly corner of land of Robert C. McMahan as depicted on aforesaid plan;

THENCE in a general westerly direction, along the centerline of a certain roadway and which centerline is described by a series of tie lines as follows:

S83°13'15"W 83.7'

S86°58'30"W 77.7'

S88°54'30"W 76.1'

S65°18'45"W 48.9'

S83°54'15"W 32.0'

S77°18'00"W 36.5'

S64°01'45"W 56.0'

N64°59'15"W 26.9'

S78°05'00"W 41.0'

S71°36'15"W 45.7'

S55°58'45"W 59.8'

S84°19'30"W 63.4'

N56°40'30"W 16.2'

N27°46'45"W 76.8'

N83°14'45"W 81.8'

S80°20'15"W 82.9'

to a point lying N27°30'40"W 33.7' from a 1 ¾" diameter iron pipe with a cap marked "U.S.3" at the corner of a stonewall, and land now or formerly of the State of Maine described in the Cumberland County Registry of Deeds in Book 2039, Page 159.

The width of the above described "Parcel A" is approximately 21 feet.

Reference is made to a deed from Helen C. Cowan to the State of Maine dated March 28, 1951 recorded in the Cumberland County Registry of Deeds in Book 2039, Page 159.

The bearings noted herein are based on magnetic north observed August 24, 1994.

The above description was prepared by John T. Mann, PLS, Mann Associates, Inc., Bowdoin, Maine; and be it further

Sec. 11 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Littleton, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value and on such other terms and conditions as the director may direct, including restrictions, an approximately 24-foot-by-25-foot parcel to abutter Arnold Miller of the Town of Littleton, Aroostook County.

SUMMARY

This resolve allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey:

1. An easement for electric transmission lines across 2 state-owned parcels to TransCanada Maine Wind Development, Inc. The parcels are in Wyman Township abutting existing utility corridors and proximate to or abutting State Route 27 and the Appalachian Trail Corridor;

2. An easement for electric transmission lines across a state-owned parcel to Bangor Hydro-Electric Company. The parcel is in Bradley;

3. An easement for electric transmission lines across a state-owned parcel to Bangor Hydro-Electric Company. The parcel is in Township 21 in Washington County;
4. The remaining state interests in the Sandy Pond Dam to the Town of Freedom;
5. Trail crossing rights and access rights across the state-owned St. John Valley Heritage Trail in St. John Plantation;
6. Trail crossing rights across the St. John Valley Heritage Trail in the Town of St. Francis;
7. State-owned property adjacent to a state-owned abandoned rail corridor trail in the Town of Mapleton to allow a landowner to rebuild and expand following a fire;
8. To the Town of Jay trail crossing rights for a town way across a state-owned trail in the Town of Jay;
9. To the Town of Jay or any other party trail crossing rights for utilities across a state-owned trail in the Town of Jay;
10. To the abutting landowner an easement across a state-owned access road to Bradbury Mountain State Park in the Town of Pownal; and
11. State-owned property to the abutting landowner in the Town of Littleton, Aroostook County.